

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on December 3, 2020, the following order was made and entered **in vacation**:

State of West Virginia ex rel.
AmerisourceBergen Drug Corporation, et al.,
Petitioners

vs.) No. 20-0694

Honorable Alan D. Moats, Lead Presiding Judge,
Opioid Litigation Mass Litigation Panel;
Monongalia County Commission,
Marion County Commission,
Doddridge County Commission,
Randolph County Commission, and
Upshur County Commission,
Respondents

RULE TO SHOW CAUSE

On September 10, 2020, the petitioners, AmerisourceBergen Drug Corporation, et al., by counsel Albert F. Sebok, Gretchen M. Callas, and Candice M. Harlow, Jackson Kelly, PLLC; Todd A. Mount, Shaffer & Shaffer, PLLC; Michael W. Carey, Steven R. Ruby, Raymond S. Franks II, and David R. Pogue, Carey Douglas Kessler & Ruby PLLC; Webster J. Arceneaux III, Lewis Glasser, PLLC; Erik W. Legg, Farrell, White & Legg PLLC; Keith A. Jones, Jones Law Group, PLLC; Steven A. Luxton, Morgan, Lewis & Bockius LLP; Michael B. Hissam and J. Zak Ritchie, Hissam Forman Donovan Ritchie PLLC; Ronda L. Harvey, Fazal A. Shere, Marc F. Mignault, and Gabriele Wohl, Bowles Rice LLP; Jon B. Orndorff and Kelly Calder Mowen, Litchfield Cavo, LLP; Rita Massie Biser, Moore & Biser PLLC; Neva G. Lusk and Tai Shadrick Kluemper, Spilman Thomas & Battle, PLLC; Bryant J. Spann and Robert H. Akers, Thomas Combs & Spann, PLLC; Cate P. Goodwin, Joseph M. Ward, and Alex J. Zurbuch, Frost Brown Todd LLC; Christopher D. Pence and Wm. Scott Wickline, Hardy Pence PLLC; Sarah M. Benoit, Ulmer & Berne LLP; Stephen D. Annand, Keith J. George, and Marisa R. Brunetti, Robinson & McElwee, PLLC; Marc E. Williams, Robert L. Massie, and Jennifer W. Winkler, Nelson Mullins Riley & Scarborough LLP; William R. Slicer, Shuman McCuskey Slicer PLLC; John H. Mahaney II,

Dinsmore & Shohl LLP; and Tim J. Yianne and Patricia M. Bello, Lewis Brisbois Bisgaard & Smith LLP, presented to the Court a petition praying for a writ of prohibition to be directed against the respondents, as therein set forth.

Thereafter, on November 18, 2020, the respondents, by counsel, Ann L. Haight, Deputy Attorney General; Vaughn T. Sizemore, Deputy Attorney General; Abby G. Cunningham, Assistant Attorney General; Charles R. “Rusty” Webb, The Webb Law Centre, PLLC; Anthony J. Majestro, Powell & Majestro, PLLC; Paul T. Farrell, Jr., Farrell Law; Robert P. Fitzsimmons, Clayton J. Fitzsimmons; and Mark A. Colantonio, Fitzsimmons Law Firm PLLC; Stephen B. Farmer, Farmer, Cline & Campbell, PLLC; Timothy R. Linkous, Linkous Law, PLLC; Letitia N. Chafin, The Chafin Law Firm, PLLC; Kevin C. Harris and Eric J. Holmes, Law Office of Harris & Holmes, PLLC; and Anne McGinness Kearse and Natalie Deyneka, Motley Rice LLC, filed a response to the petition.

Upon consideration, the Court is of the opinion that a rule should be awarded herein. It is therefore considered and ordered that a rule does hereby issue commanding and directing the said respondents, to show cause, if any they can, why a writ of prohibition should not be awarded, as prayed for by the petitioners in the said petition.

It is further ordered that this matter shall be and it hereby is, consolidated with *State ex rel. Johnson & Johnson, et al. v. Hon. Moats, et al.*, No. 20-0751, for purposes of oral argument, consideration, and decision.

It is ordered that these cases shall be scheduled for consideration and oral argument under Rule 20 of the Rules of Appellate Procedure on Wednesday, February 17, 2021, at 10:00 o’clock a.m., and this order constitutes the Notice of Argument pursuant to Rule 20(b).

It is finally ordered that this matter shall be submitted on the pleadings previously filed, without further briefing.

Justice Workman would refuse the petition.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

